

Message Text

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ACTION EA-10

INFO OCT-01 EUR-12 NEA-10 IO-10 ISO-00 CIAE-00 PM-03 H-02

INR-07 L-02 NSAE-00 NSC-05 PA-02 RSC-01 PRS-01 SP-02

SS-15 AID-05 OMB-01 CPR-01 /090 W

----- 050965

R 020210Z DEC 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 0710

AMEMBASSY BANGKOK

AMEMBASSY BERN

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY MANILA

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY PHNOM PENH

AMEMBASSY ROME

AMEMBASSY SEOUL

AMEMBASSY STOCKHOLM

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

AMEMBASSY VIENNA

AMEMBASSY VIENTIANE

USMISSION GENEVA

USDEL JEC PARIS

USUN 0728

USIA WASHDC

INFO SECDEF WASHDC

USLO PEKING

AMCONSUL HONG KONG

CDR JCRC NKP THAILAND

COMUSSAG NKP THAILAND

AMEMBASSY WARSAW

AMEMBASSY JAKARTA

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AMEMBASSY TEHRAN

AMEMBASSY BUDAPEST
AMCONSUL BIEN HOA
AMCONSUL CAN THO
AMCONSUL DA NANG
AMCONSUL NHA TRANG

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E.O. 11652: N/A

TAGS: PFOR, VS

SUBJECT: BACKGROUND ON THE STATUS OF TPJMC AND FPJMT
NEGOTIATIONS

REF : A) SAIGON 7991 B) SAIGON 9157

1. THE PURPOSE ON THIS MESSAGE IS TO PROVIDE SUMMARY
BACKGROUND INFORMATION ON THE CURRENT BOYCOTT BY THE DRV AND
"PRG" -- NOW IN ITS 23RD WEEK -- OF TWO PARTY JOINT MILITARY
COMMISSION (TPJMC) AND FOUR PARTY JOINT MILITARY TEAM (FPJMT)
MEETINGS TO BE DRAWN ON IN DISCUSSING THIS SUBJECT.

2. THE ALLEGED IMPEDIMENT TO NEGOTIATIONS IN THE TPJMC (RVN
AND "PRG") AND THE FPJMT (US, RVN, DRV AND "PRG") IS THE
QUESTION OF PRIVILEGES AND IMMUNITIES (P&I). THIS QUESTION IS
DISCUSSED IN DETAIL BELOW. HOWEVER, THIS IS NOT THE REAL
BARRIER TO PROGRESS IN IMPLEMENTING THE OBLIGATIONS UNDERTAKEN
IN THE PARIS AGREEMENT WITH RESPECT TO THE TPJMC AND FPJMT.
THE P&I QUESTION IS A SUBTERFUGE DESIGNED TO FRUSTRATE THE
TALKS. WHAT HANOI AND ITS "PRG" PUPPET REALLY SEEK IS PASSIVE
AGREEMENT TO A SET OF DEMANDS (WHICH THEY CALL ADEQUATE P&I)
WHICH WOULD AMOUNT TO RECOGNITION OF THE "PRG" AS A LEGITIMATE
GOVERNMENT. IT IS AN ARTIFICIAL AND FABRICATED TACTIC,
INVOLVING THE PRESENTATION OF THESE SO OBVIOUSLY UNACCEPTABLE
DEMANDS IN ORDER TO STALL THE TALKS, AND -- AT THE SAME TIME --
TO TRY TO PLACE THE ONUS FOR THIS ON THE US/RVN.

3. THIS POINT WAS GRAPHICALLY ILLUSTRATED BY A CAPTURED "PRG"
DOCUMENT INFORMING THEIR CADRE THAT THE TALKS WOULD BE
SUSPENDED ON MAY 30, 1974. IN THE MOST REVEALING PORTION OF
THAT DOCUMENT VIET CONG CADRE WERE INFORMED THAT "WE HAVE
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DECIDED TO CANCEL ALL FPJMT MEETINGS EFFECTIVE MAY 30, 1974.
FURTHERMORE, WE HAVE RELEASED A SERIES OF COMMUNIQUE
CONDEMNING THE US FOR CONTINUING MILITARY AID TO THIEU'S
BELLIGERENT CLIQUE, THUS ENABLING THEM TO PERPETUATE HOSTILITIES;
MAINTAINING MILITARY BASES IN THAILAND, THUS CREATING AAR THREATS;
FAILING TO WITHDRAW US MILITARY PERSONNEL AND THAI TROOPS
FROM LAOS; AND CONTINUING TO INTERFERE IN CAMBODIA."
VC CADRE WERE INSTRUCTED TO "INDOCTRINATE SUBORDINATE PERSONNEL

AND THE PEOPLE ON THIS CIRCULAR AND INCREASE THEIR (MILITARY) ACTIVITIES TO SUPPORT EFFECTIVELY OUR DIPLOMATIC OFFENSIVE". SUBSEQUENTLY, THE DRV/"PRG" DID, IN FACT, WALK OUT OF THE FPJMT TALKS ON MAY 30 AND THE TPJMC TALKS ON MAY 10. BOTH BODIES MET BRIEFLY IN JUNE; THE FPJMT MET JUNE 11, 13, 18 AND 20, AND THE TPJMC JUNE 14, 18 AND 21. THE CONTINUING BOYCOTT OF BOTH BODIES BEGAN THEN. HAVING FOUND THAT THE US IS NOT WILLING TO "BARTER FOR BONES", AND WILL NEITHER CEASE ITS SUPPORT FOR THE RVN NOR COLLUDE WITH THE DRV/"PRG" IN THE OVERTHROW OF THE RVN GOVERNMENT THE DRV/"PRG" DECIDED TO STALEMATE THE TALKS AND PURSUE THEIR OBJECTIVES THROUGH OTHER MEANS.

4. THUS, IT IS CLEAR THAT P&I IS NOT THE ISSUE. THE P&I QUESTION IS JUST ONE OF THE CURRENT PLOYS OF HANOI AND ITS PUPPET TO TRY AND BRING ABOUT THE DIMISE OF THE REPUBLIC OF VIET NAM AS A SOVEREIGN NATION. THE FOLLOWING IS A SYNOPSIS OF THE P&I QUESTION:

A. THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIET NAM (THE PARIS AGREEMENT) STIPULATES THAT THE TWO JOINT MILITARY COMMISSIONS (THE TPJMC, AND THE FOUR PARTY JOINT MILITARY COMMISSION (FPJMC) WHICH WAS SUPERCEDED AFTER 60 DAYS BY THE FPJMT AS SPECIFIED IN THE PARIS AGREEMENT) "SHALL AGREE IMMEDIATELY" ON THE ORGANIZATION, PROCEDURE AND MEASURES TO CARRY OUT THEIR TASKS. THE PROTOCOL TO THE PARIS AGREEMENT CONCERNING THE CEASE-FIRE IN SOUTH VIETNAM AND THE JOINT MILITARY COMMISSIONS PROVIDED THAT THIS SHOULD INCLUDE, INTER ALIA. "PRIVILEGES AND IMMUNITIES EQUIVALENT TO THOSE ACCORDED DIPLOMATIC MISSIONS AND DIPLOMATIC AGENTS " WHILE THE COMMISSIONS WERE CARRYING OUT THEIR TASKS -- ESSENTIALLY MILITARY IN NATURE -- OF IMPLEMENTING THE PROVISIONS OF THE AGREEMENT.

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B. A SUBCOMMISSION OF THE FPJMC DEVELOPED A SET OF "ELEVEN POINTS PERTAINING TO PRIVILEGES AND IMMUNITIES " WHICH WERE THEN AGREED UPON BY THE DELEGATION CHIEFS AS SUFFICIENT TO CARRY ON THE WORK OF THAT BODY.

C. THESE ELEVEN POINTS OF P&I WERE ADOPTED BY THE FPJMT IN A MINUTE OF AGREEMENT ON MAY 3, 1973. IT WAS AGREED IN THE PARIS COMMUNIQUE OF JUNE 13, 1973, THAT THE TPJMC SHOULD "IMMEDIATELY BE ACCORDED THE ELEVEN POINTS OF P&I AGREED UPON BY THE FPJMC."

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D. THE FPJMT AND TPJMC OPERATED SATISFACTORILY UNDER THESE P&I UNTIL APRIL 1974. IN ADDITION TO THE AGREED-UPON P&I, THE RVN ALSO GRANTED -- UNILATERALLY -- ADDITIONAL PRIVILEGES, INCLUDING A WEEKLY PRESS CONFERENCE FOR THE "PRG" AND OPEN USE OF THE CIVILIAN TELEPHONE SYSTEM IN SAIGON.

E. AN RVN AIRCREW MEMBER WAS KILLED BY "PRG" GROUND FIRE DURING A TPJMC PRISONER EXCHANGE FLIGHT MARCH 7, 1974. IN REACTION TO THIS, AND AFTER REFUSAL OF THE "PRG" TO PROVIDE A GUARANTEE OF SAFETY, THE RVN ON APRIL 16, 1974, WITHDREW THE MAIN ADDITIONAL P&I THEY HAD UNILATERALLY GRANTED, NAMELY DRV/"PRG" USE OF OPEN COMMON USER TELEPHONE LINES THROUGHOUT THE SAIGON METROPOLITAN AREA AND SUSPENSION OF THE "PRG" WEEKLY PRESS CONFERENCE. THE SAIGON/LOC NINH LIAISON FLIGHT WAS ALSO SUSPENDED BECAUSE NO GUARANTEE OF SAFETY WAS FORTHCOMING FROM THE "PRG". FROM APRIL 18 TO MAY 30, THE DRV/"PRG" PARALYZED THE PLENARY SESSIONS WITH THE P&I ISSUE. IN ACCORDANCE WITH THEIR PREARRANGED PLAN, ON MAY 30 THE DRV/"PRG" WALKED OUT OF THE MEETINGS. AFTER THE DRV/"PRG" BOYCOTTED SESSIONS OF 4 AND 6 JUNE, THE RVN NOTIFIED THE DRV/"PRG" ON JUNE 7 IN A GESTURE OF GOOD WILL THAT IT HAD DECIDED TO RESTORE ALL P&I (THE ELEVEN PLUS THE ADDITIONAL POINTS) AS THEY HAD EXISTED PRIOR TO APRIL 16.

F. AS THE CAPTURED DOCUMENT REFERRED TO ABOVE ILLUSTRATES, THE DRV/"PRG" HAD BY THIS TIME DECIDED TO BOYCOTT ALL FURTHER TALKS. TO THIS END, ON JUNE 18, 1974, THE "PRG" INTRODUCED DRAFT MINUTES OF AGREEMENT WHICH IF AGREED TO WOULD AMOUNT TO DE FACTO RECOGNITION OF THE "PRG" AS A SEPARATE GOVERNMENT. THEY INSISTED THAT THEIR DEMANDS BE DISCUSSED AT PLENARY SESSIONS NOTWITHSTANDING THE FACT THAT THE ORIGINAL ELEVEN POINTS OF P&I HAD BEEN WORKED OUT AT SUBCOMMITTEE LEVEL OF THE FPJMC.
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THE US/RVN PROPOSED THAT THE P&I QUESTION (WHICH IS PROCEDURAL) BE DISCUSSED AT THE DEPUTY OR SECRETARY LEVEL (IN ACCORDANCE Q WITH THE PRECEDENT SET BY THE FPJMC SUBCOMMITTEE THAT ORIGINALLY AGREED ON P&I) SO THAT THE PLENARY SESSIONS COULD CONTINUE TO NEGOTIATE ISSUES OF SUBSTANCE. THE DRV/"PRG" REFUSED AND BEGAN THEIR BOYCOTT. THE LAST MEETING OF THE

FPJMT WAS JUNE 20, 1974, AND THE TPJMC JUNE 21, 1974.

G. AT THE PRESENT TIME, THE US CONTINUES TO PROVIDE A WEEKLY SAIGON/HANOI LIAISON FLIGHT, EVEN THOUGH THE SUBSTANTIAL PURPOSES OF THIS FLIGHT (EXCHANGE OF INFORMATION ON MISSING AND DEAD) HAVE NOT BEEN MET. THE RVN CONTINUES TO PROVIDE A TWICE WEEKLY SAIGON/LOC NINH LAIAISON FLIGHT FOR THE "PRG". THE US CONTINUES TO PROVIDE VEHICULAR SUPPORT FOR THE DRV/"PRG". THE RVN CONTINUES TO SUPPLY BILLETS, ELECTRICITY, WATER AND OTHER SUPPLIES TO THE DRV/"PRG". RVN CONTINUES TO ALLOW COMMUNICATION BY THE DRV/"PRG" WITH OTHER DELEGATIONS, WITH THE ICCS, AND THROUGH THE SAIGON PUBLIC TELEPHONE CIRCUITS. PERHAPS THE MOST STRIKING P&I THAT RVN PROVIDES IN ONE NOT SPECIFIED IN THE MINUTE OF AGREEMENT, THAT IS THE WEEKLY PRESS CONFERENCE OF THE "PRG".

H. IN BLATANT ABUSE OF THE "PRIVILEGES AND IMMUNITIES EQUIVALENT TO THOSE ACCORDED DIPLOMATIC MISSIONS AND DIPLOMATIC AGENTS", THE "PRG" HAVE ON A NUMBER OF OCCASIONS SINCE OCTOBER 12, 1974, USED THIS PRESS CONFERENCE TO ALL FOR, INTER ALIA, THE OVERTHROW OF THE CONSTITUTIONALLY-ELECTED PRESIDENT AND GOVERNMENT OF THE REPUBLIC OF VIETNAM. THIS ACTION IS A MAJOR VIOLATION OF DIPLOMATIC PROTOCOL WHICH WOULD NOT BE TOLERATED BY ANY OTHER HOST GOVERNMENT, AND IN A NORMAL DIPLOMATIC CONTEXT WOULD CONSTITUTE AMPLE BASIS FOR BREAKING RELATIONS.

5. THE US AND RVN REMAIN ON THE RECORD AS AGREEING TO DISCUSS THE P&I ISSUE AS IT HAS BEEN DISCUSSED BEFORE, WHILE THE DRV/"PRG" REMAIN FIRM IN BOYCOTTING THE SESSIONS ENTIRELY UNTIL THEIR DEMANDS ARE MET.

6. FOREGOING BACKGROUND IS PROVIDED ADDRESSEES IN UNCLASSIFIED FORM IN ORDER TO BE OF MAXIMUM BENEFIT IN DISCUSSING THE TPJMC AND FPJMT NEGOTIATIONS, STALLED SINCE JUNE BECAUSE OF THE UNCLASSIFIED

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PRECONDITIONS TO RESUMPTION INSISTED UPON BY THE DRV/"PRG". AS NOTED ABOVE, THESE PRECONDITIONS NOW INCLUDE A CALL FOR THE OVERTHROW OF THE GVN. THIS IS IN SHARP CONTRAST TO THE RECENT GVN CALL TO RESUME NEGOTIATIONS IN SAIGON AND PARIS WITHOUT PRECONDITIONS.

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